

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1516 Session of 2015

INTRODUCED BY FARRY, SCHREIBER, THOMAS, KAUFFMAN, DiGIROLAMO, BIZZARRO, MILLARD, MURT, ROZZI, RADER, KINSEY, DAVIS, CORBIN, READSHAW, YOUNGBLOOD, D. COSTA, WATSON, O'BRIEN, DONATUCCI, DEASY, D. PARKER, FARINA, PHILLIPS-HILL, KILLION, McNEILL, RAVENSTAHL, SAINATO, SCHLOSSBERG, SANTORA, GILLEN, COHEN, MATZIE, SCHWEYER, R. BROWN, WHEATLEY, BULLOCK, V. BROWN, M. QUINN, GIBBONS, SIMMONS AND WHEELAND, SEPTEMBER 29, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 20, 2016

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in riot, disorderly conduct and
3 related offenses, further providing for THE OFFENSE OF <--
4 cruelty to animals.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 ~~Section 1. Section 5511(q) of Title 18 of the Pennsylvania <--
8 Consolidated Statutes is amended by adding definitions and the
9 section is amended by adding a subsection to read:~~

10 SECTION 1. SECTION 5511 OF TITLE 18 OF THE PENNSYLVANIA <--
11 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:
12 § 5511. Cruelty to animals.

13 \* \* \*

14 ~~(h.3) Leaving animal in unattended motor vehicle. The <--
15 following shall apply:~~

16 ~~(1) In addition to any other penalty provided by law, a~~

~~motor vehicle owner or operator commits a summary offense if the motor vehicle owner or operator confines a dog or cat in an unattended motor vehicle in extreme heat, endangering the dog's or the cat's health and well being.~~

~~(2) A person who witnesses an act under paragraph (1), may contact a police officer, a volunteer or professional fireman, humane officer, security guard or other first responder, who may take any action to safeguard the dog or cat, including, but not limited to, breaking into the motor vehicle to remove the dog or cat from the unattended motor vehicle after a reasonable effort to search for the owner or operator of the unattended motor vehicle.~~

~~(3) A police officer, a volunteer or professional fireman, humane officer, security guard or other first responder, and the department or agency employing the officer, is not liable for any damage to property resulting from actions taken under this section.~~

~~(4) If the dog or cat is removed from the motor vehicle, the person removing the dog or cat shall:~~

~~(i) leave a note in the motor vehicle or in a conspicuous location stating the person's name and contact information and information as to where the dog or cat can be located; and~~

~~(ii) take the dog or cat to a veterinary hospital or animal care clinic for treatment and health screening. The dog or cat shall then be admitted to a shelter or humane society if the motor vehicle owner or operator is unable to be located.~~

~~\* \* \*~~

~~(g) Definitions. As used in this section, the following~~

1 ~~words and phrases shall have the meanings given to them in this~~  
2 ~~subsection:~~

3 \* \* \*

4 ~~"Extreme heat." An extremely high temperature, inside or~~  
5 ~~outside of a motor vehicle, that could endanger an animal's~~  
6 ~~health or well being.~~

7 \* \* \*

8 ~~"Unattended motor vehicle." A motor vehicle that is out of~~  
9 ~~the owner's or operator's sight.~~

10 \* \* \*

11 (H.3) LEAVING ANIMAL IN UNATTENDED VEHICLE.--

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12 (1) A PERSON OWES A DUTY OF CARE TO ANY DOG OR CAT THAT  
13 THE PERSON LEAVES CONFINED IN AN UNATTENDED VEHICLE.

14 (2) NO POLICE OFFICER, HUMANE SOCIETY POLICE OFFICER OR  
15 FIREFIGHTER WHO ENTERS INTO AN UNATTENDED VEHICLE IN ORDER TO  
16 RESCUE A DOG OR CAT, NOR THE EMPLOYER OF ANY SUCH PERSON,  
17 SHALL BE LIABLE FOR ANY DAMAGE CAUSED BY THE RESCUE, PROVIDED  
18 THAT THE PERSON:

19 (I) PRIOR TO ENTRY, MAKES A REASONABLE EFFORT TO  
20 LOCATE THE PERSON WHO OWES A DUTY OF CARE TO THE ANIMAL.

21 (II) ACTS UNDER A REASONABLE BELIEF THAT THE ANIMAL  
22 IS IN SEVERE PHYSICAL DISTRESS.

23 (III) TAKES REASONABLE STEPS TO ENSURE OR RESTORE  
24 THE WELL-BEING OF THE ANIMAL.

25 (IV) LEAVES A NOTE ON OR IN THE VEHICLE STATING THE  
26 NAMES OF THE PERSON AND THE PERSON'S EMPLOYER, A  
27 TELEPHONE NUMBER AND THE LOCATION WHERE THE ANIMAL MAY BE  
28 RETRIEVED.

29 (3) THE IMMUNITY PROVIDED IN PARAGRAPH (2) SHALL APPLY  
30 REGARDLESS OF WHETHER THE PERSON IS CHARGED WITH OR FOUND

1 GUILTY OF COMMITTING AN OFFENSE UNDER THIS SECTION.

2 Section 2. This act shall take effect in 60 days.